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Attorneys for Defendant
ABBOTT LABORATORIES

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

SMITHKLINE BEECHEM CORPORATION,)
d/b/a GLAXOSMITHKLINE,)
Plaintiff,)

vs.)

ABBOTT LABORATORIES,)
Defendant.)

Case No. C 07-5702 CW

Related per November 19, 2007 Order to

Case No. C-04-1511 CW

**DECLARATION OF CHARLES B. KLEIN
IN SUPPORT OF ABBOTT
LABORATORIES' MISCELLANEOUS
ADMINISTRATIVE MOTION TO FILE
CERTAIN DOCUMENTS UNDER SEAL**

Date: March 6, 2008
Time: 2:00 p.m.
Courtroom: 2 (4th Floor)
Judge: Hon. Claudia Wilken

1 I, CHARLES B. KLEIN, declare:

2 1. I am an attorney at law, with a *pro hac vice* application pending for
3 admittance to practice in this Court for this matter. I am a partner with the law firm of Winston &
4 Strawn LLP, counsel of record for Abbott Laboratories ("Abbott"), and am authorized to make this
5 Declaration in that capacity.

6 2. I submit this Declaration under Local Rule 79-5(b) and (d) in support of the
7 sealing of Exhibit A to the Declaration of Nicole M. Morris in support of Abbott's Motion to
8 Dismiss Plaintiff Smith Kline Beechem's d/b/a GlaxoSmithKline Claims Pursuant to Fed. R. Civ. P.
9 12(b)(6) ("Exhibit A") that has been designated "Highly Confidential" by Abbott and Plaintiff,
10 Smith Kline Beechem d/b/a GlaxoSmithKline ("GSK").

11 3. Exhibit A is Abbott's copy of the Non-Exclusive License Agreement dated
12 December 13, 2002 between Abbott and GSK concerning Abbott's patented AIDS drug Norvir®
13 ("License Agreement"). Exhibit A contains, among other terms, confidential business information
14 related to negotiated consideration and royalties paid by GSK to Abbott in return for the license
15 regarding Abbott's Norvir patents. In recognition of the fact that this and similar confidential,
16 financial information in the License Agreement is competitively sensitive, the parties included a
17 confidentiality provision in Article IX of the License Agreement.

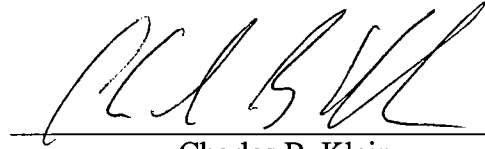
18 4. To preserve the confidentiality asserted by both parties, Abbott seeks to file
19 Exhibit A under seal.

20 5. On January 22, 2008 I contacted Alexander Giles, counsel for GSK, to obtain
21 his consent to file Exhibit A under seal. Mr. Giles agreed that Exhibit A should be filed under seal
22 and the parties executed a stipulation so reflecting. A joint stipulation reflecting this agreement is
23 filed concurrently with this Declaration.

24 I declare under penalty of perjury under the laws of the United States of America that
25 the foregoing is true and correct.

26 (*Signature page to follow*)
27
28

Executed in Washington D.C., this 24th day of January, 2008.



Charles B. Klein

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